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24 June 1996

ORIGINAL: ENGLISH

LETTER DATED 24 JUNE 1996 FROM THE PERMANENT REPRESENTATIVE OF THE SUDAN TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

With reference to Security Council resolution 1054 (1996), I have the honour to enclose herewith a report containing the efforts and measures taken by the Government of the Sudan and its cooperation in the implementation of this resolution.

Having enclosed this report, the Government of the Sudan wishes to recall the continuous efforts exerted by the Sudan in complying with Security Council resolution 1044 (1996) and the statements of the Central Organ of the Organization of African Unity for Prevention, Management and Resolution of Disputes in a consistent manner as a manifestation of its full commitment to principles of the United Nations Charter and international peace and security. In this regard I wish to reiterate the condemnation of the Sudan in the strongest terms to terrorism in all its forms and manifestations as well as the Sudan's full adherence to the principles of good-neighbourliness and non-interference in the internal affairs of other States.

I take this opportunity to request that this letter and its enclosures be circulated as a document of the Security Council.

(Signed) Ali M. O: YASSIN
Permanent Representative

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Annex

[Original: Arabic]

Report on the measures taken by the Sudan pursuant to Security Council resolution 1054 (1996)

The present report summarizes recent developments relating to the attempted assassination of the President of Egypt and the measures and initiatives taken by the Sudan pursuant to the provisions of Security Council resolution 1054 (1996).

I. THE SEARCH FOR THE THREE SUSPECTS

1. Mustafa Hamza, the prime suspect

(a) Shortly before Security Council resolution 1054 (1996) was adopted, the London newspaper Al-Hayat, in its issue for 21 April 1996, published an interview that had been conducted by its correspondent Ahmad Muwaffaq Zaydan with prime suspect Mustafa Hamza at his place of residence in the Konar province of Afghanistan. In the interview, Hamza indicated that the Sudan was innocent of the charges made against it. In the same connection, on 23 April 1996 the London network MBC showed a video-taped interview with the suspect Mustafa Hamza at his place of residence in Afghanistan in which he indicated, inter alia, that the Sudan had no involvement in the matters with which it was charged.

(b) On 23 April 1996, according to a report published in the newspaper Al-Hayat, the Ambassador of Afghanistan in Cairo stated that prime suspect Mustafa Hamza was in Afghan territory in an area that was not under the control of his Government.

(c) On 23 May 1996, the Minister for Foreign Affairs of Afghanistan addressed a letter to his Sudanese counterpart informing him that the prime suspect in the attempted assassination of the President of Egypt, namely Mustafa Hamza, was not in the territory under the control of the State and that certain information indicated that he had been seen in areas under the control of the Taleban.

(d) In its issue for 6 May 1996, the magazine Al-Wasat published a report by its Cairo correspondent, Ayman Kamal, that Egypt had requested the Pakistani Government to help in the apprehension of Mustafa Hamza by bringing pressure to bear on the Taleban movement. The request had been made to the Pakistani Ambassador in Cairo by the Director of the Asia Department in the Egyptian Ministry of Foreign Affairs. The magazine pointed out that Egypt accorded particular importance to Pakistan's help in connection with this request and indicated that the Pakistani Ambassador had given assurances of his country's readiness to provide all possible assistance in this regard.

2. Muhammad Siraj, the number two suspect

Given the difficulties encountered by the Government of the Sudan in seeking the suspects because of the paucity of information available to it, the Sudanese authorities concerned again requested assistance from the International Criminal Police Organization (ICPO/Interpol) in the efforts being made to apprehend the suspects.

From the above it is clear that:

(a) The extensive investigations carried out by the authorities concerned in the Sudan have produced no trace of the suspects and no evidence of their presence in the Sudan;

(b) The statements made by the prime suspect, Mustafa Hamza, indicate that suspect number two is in a country other than the Sudan, and this corroborates the results reached by the investigation conducted by the Sudanese authorities concerned.

3. Yasim, the number three suspect

(a) The identity of suspect number three is unknown, because the identification data and description provided by the Ethiopian authorities are deficient and incomplete. The Ethiopian request to the Government of the Sudan is incomplete, and no photograph of the suspect is attached. The full text of the information provided in the request is as follows:

Izat/Yasim

True name:	--
Nationality:	Egyptian
Height:	5 feet, 7 inches
Skin colour:	Medium dark complexion
Hair colour:	Black, short; no facial hair
Age:	Approximately 34 years old
Build:	Thin frame
Special marks:	No obvious scars. Does not wear glasses. Wears a metal-case Casio digital watch on his left hand.
Marital status:	Married

(b) Ethiopia has not yet managed to provide any additional information in this regard.

(c) In the statements indicated above, the prime suspect denies that there ever was a third suspect.

4. The Sudan has demonstrated its desire and readiness to cooperate with all parties concerned in seeking and apprehending the suspects, and it has affirmed that fact in its contacts with the Organization of African Unity (OAU), the United Nations and, repeatedly, with ICPO/Interpol.

5. The difficulties that surround the issue are confirmed by the information that has reached us concerning the postponement of the secret trial of the three suspects in Addis Ababa, as indicated in the Ethiopian press. It would seem that the court, after hearing the statements of witnesses, requested the Public Prosecutor to present further evidence to substantiate the charge. This is according to the report on page 8 of the issue of Press Digest for 23 May 1996, quoting from the newspaper Addis Zemin.

6. The Government of the Sudan, in citing the above developments and measures, would like to affirm that it respects and is in full compliance with all the relevant international and regional covenants. It reaffirms its readiness to cooperate with all parties with a view to apprehending the suspects and bringing them to justice.

II. ALLEGATIONS THAT THE SUDAN SUPPORTS TERRORISM

The Government of the Sudan affirms its condemnation and rejection of all forms of terrorism. It further affirms that it complies with all the covenants and agreements aimed at combating and eliminating terrorism in all its forms. The present report sets forth the steps taken by the Sudan to terminate the sojourn of certain nationals of foreign countries in order to avert accusations or suspicions.

The Government of the Sudan would like to state at the outset that, at the present time, its criminal and political records contain no charges and no evidence, from any person or any State, against those who are the subject of this report. The presence of these persons in the Sudan has been based on the purely humanitarian considerations that are respected by all countries.

After an overhaul of the entry-visa system and a survey and review of the cases of all foreigners who had entered the Sudan in the situation that had previously prevailed, and which did not provide for arrangements or specific measures for entry or residence, measures were taken to ensure the departure from Sudanese territory of certain groups.

1. Egyptians

Thirty-seven Egyptians have left Sudanese territory. Of the Egyptians who were in the Sudan, there remain only those who were there in an official capacity, such as those working at the Egyptian Embassy or in the Egyptian irrigation offices in the Sudan.

A list of the names of Egyptians who have left the Sudan has been handed over to the Egyptian authorities, and the Sudan has affirmed its readiness to cooperate with the Egyptian Government in checking those who remain.

2. "Afghan Arabs"

Those known as "Afghan Arabs" have been surveyed, and all of them have already left Sudanese territory.

3. Usamah Bin Ladin

The Arab investor Usamah Bin Ladin has also left the Sudan, having done so on 19 May 1996, and the United Nations was informed accordingly in a letter circulated as Security Council document S/1996/402 on 31 May 1996.

4. Palestinians

The situation and status of the Palestinian nationals to whom reference was made in the meetings of the Council is being reviewed in cooperation with the Embassy of Palestine in Khartoum. Some groups have left the Sudan.

The Government of the Sudan, in citing in this report the measures it has taken to eliminate any doubts concerning its attitude towards terrorism, once again affirms its continuing policy of exercising close scrutiny in order to prevent the issue to suspicious persons of visas for entry into, transit through or residence in Sudanese territory. It further affirms its readiness to cooperate with any country that has information concerning the presence in the Sudan of any persons who pose a threat to that country's security and safety.

III. SUDAN'S RELATIONS WITH NEIGHBOURING STATES

In accordance with the deeply rooted principles of its civilization and culture, the Sudan is strongly committed to non-interference in the internal affairs of other States and strives tirelessly to promote bilateral relations and regional cooperation, particularly with the neighbouring States among which it finds itself in an area that has been throughout history a crossroads of integration and an example of Afro-Arab coexistence. Despite the adverse developments that have affected the country's relations with some of its neighbours, the Sudan takes pride in its distinctive relations with neighbouring States, and it is endeavouring to promote and develop those relations so as to ensure wider prospects for cooperation and bilateral and regional integration.

(a) The Sudan's relationship with Kenya has undergone a process of constant development, and the two countries have cooperated fully in promoting their political, economic and social interests under the guidance of a joint ministerial committee. Kenya has also acted as host to Sudanese refugees, and part of Operation Lifeline Sudan, which provides relief to those affected by the war in the southern Sudan, has been based there. Kenya has, moreover, led the efforts made by the Intergovernmental Authority on Drought and Development (IGADD) for a peaceful solution to the problem of the southern Sudan. This is an example of the Sudan's willing acceptance of regional cooperation in addressing an issue that concerns the region as a whole even if it is internal in nature.

(b) The Sudan maintained close relations with Eritrea from its accession to independence until 1993, and its relations with the newly emerging State evinced friendship and cooperation. The Sudan extended a helping hand to the Eritrean people, sheltered very large numbers of refugees from Eritrea, and participated in the referendum and the building of the country's political institutions. When independence was proclaimed, the Sudan was the first country to recognize

the independent State of Eritrea, and the President of the Sudan was the first head of State to visit it. A ministerial committee was formed by the two countries through which the Sudan participated in providing technical and material assistance to Eritrea, and the Sudan prevented any military or political activity among the refugees in the Sudan that was aimed against the Eritrean Government.

Although the Sudan has demonstrated its benevolent intentions towards Eritrea, the latter has constantly made unfounded accusations against the Sudan. Eritrea broke off diplomatic relations and then proceeded to hand over the premises of the Sudanese Embassy to opposition elements, in violation of diplomatic practice. It sponsored a conference of the Sudanese opposition and the rebel movement, and it endorsed the conference's decisions calling for the overthrow of the regime in the Sudan by military means. The Head of State of Eritrea stated this explicitly, expressing his readiness to support anyone who took up arms to bring down the regime in the Sudan. Military training camps were opened for the same purpose, and a correspondent for the British Broadcasting Corporation has visited these camps (see document S/1996/358 of 21 May 1996).

(c) The Sudan's relations with Chad have been marked by stability and steady growth based on ongoing mutual understanding and cooperation through a joint ministerial committee that oversees all aspects of their relationship. In addition to a considerable expansion of their activities in the economic and social fields, the two countries have recently endeavoured to redraw and demarcate their common boundaries, a matter that had remained pending since colonial days. The Sudan also participated in the observer delegations during the recent elections in Chad, and it endeavoured to enable Chadians residing in the Sudan to participate in the voting. A tripartite presidential summit of the Sudan, Chad and the Central African Republic was recently held, and this is another example of the Sudan's approach to regional cooperation of a kind that is useful to the countries and peoples of the region (see document S/1996/294 of 17 April 1996).

(d) The Sudan's relations with the Central African Republic provide further evidence of relations of good-neighbourliness. The joint ministerial committees established by the two countries are engaged in ongoing, fully coordinated efforts to expand bilateral and regional cooperation. It was the Central African Republic that hosted the tripartite Sudan-Chad-Central African Republic summit in January 1996, and the countries are currently endeavouring to bring about the voluntary repatriation of refugees under United Nations supervision.

(e) The Sudan remains committed to maintaining relations with Uganda in conformity with the principles of good-neighbourliness. The President of the Sudan visited Uganda in 1990 in an endeavour to persuade the Ugandan President to desist from supporting the rebel movement that has constantly striven to undermine relations between the two countries. That visit and the efforts that followed it bore fruit in the signing of a security agreement in April 1990 that stipulated that no shelter or support should be provided to the opposition movements, that an endeavour should be made to establish a good relationship and that military observation posts should be established along the boundaries between the two countries. On 10 April 1994, however, Uganda demanded the

removal of the posts, indicating a premeditated intention to continue supporting the rebel movement and the aggression. Uganda then proceeded to exacerbate relations between the two countries by carrying out attacks on members of the Sudanese diplomatic mission and then, on 23 May 1995, by breaking off relations.

Despite the foregoing, the Sudan did not close the door to anyone offering mediation with a view to resolving the disputes between the two countries. The Sudan welcomed the mediation of the President of Austria and then of the Libyan Leader, which led to the signing of the Tripoli Declaration on 5 April 1995. However, Uganda undermined the Declaration by having the Chargé d'affaires of the Sudan declared persona non grata on 10 April 1995, a mere five days after the Declaration was signed.

The Sudan welcomed the initiative taken by the President of Malawi on 7 June 1995, which led to an agreement on the normalization of relations and the formation of a committee to supervise the process under the chairmanship of Malawi and with the Sudan and Uganda as members. Uganda absented itself from the meetings of the committee on a number of occasions, given its prior intent to commit aggression against the Sudan. The Ugandan President has spoken frankly of this to his parliament.

Subsequently, on 25 October 1995, Ugandan forces infiltrated into Sudanese territory as far as the towns of Farjuk and Maqwa in order to assist rebel forces.

The Sudan nevertheless exercised self-restraint and forbearance with regard to Uganda's actions and continued its efforts to devise a peaceful and lasting solution to the conflict. Accordingly, the Sudan welcomed the mission undertaken by the Under-Secretary of State for Foreign Affairs of Malawi to revive his country's mediation efforts. However, Uganda, as is its custom, failed to attend the meeting scheduled for February 1996, which would indicate its contempt for mediation efforts aimed at mending relations between the two countries and its intention to continue the aggression, as revealed in its recent bombardment of the border town of Kana.

(f) The Sudan's expanded relations with Zaire, the mutual understanding and cooperation between officials of the two countries and their constant striving for the further promotion of their common bilateral and regional interests represent another example of the Sudan's commitment to and concern for its relations with its neighbours. The joint ministerial committee established by the two countries has advanced economic and social cooperation and has brought about the voluntary repatriation of refugees.

(g) Between the Sudan and Ethiopia relations of good-neighbourliness were built up over the many years in which joint ministerial committees were active. The boundaries between the two countries have been stable, and visits have been exchanged by the heads of State and by delegations from the two countries. There was cooperation at the regional level, as exemplified by the IGADD group. Despite the misunderstanding that arose following the attempted assassination of the President of Egypt, the Sudan has been pursuing a policy of self-restraint in addressing it. It will maintain its benevolent intentions towards Ethiopia and will endeavour to preserve the distinctive character of relations between

the two countries and peoples. In this connection, we recall that the Sudan made a point of sending the Chief of Staff of its armed forces to participate as an observer in the meeting of Chiefs of Staff of the OAU Mechanism for Conflict Prevention, Management and Resolution. On that occasion, the Sudanese Chief of Staff took the initiative of meeting with his Ethiopian counterpart and of affirming the Sudan's desire to stabilize the situation between the two countries and to promote joint security cooperation.

(h) In the context of the Sudan's affirmative policies and its concrete commitment to good-neighbourliness and the promotion of regional cooperation with its neighbours, the country participated in the meetings of the IGADD Ministerial Council in Djibouti in April 1996 at which the Council took note of the Charter for Peace in the Sudan. The Sudan also participated in the meetings of IGADD experts held in Addis Ababa from 10 to 15 June 1996, which drafted regional cooperation programmes and projects in the fields of conflict resolution, food security and infrastructure, and it was elected Chairman of the Food Security Committee. The meetings also urged that there was a pressing need to activate the IGADD initiative for peace in the Sudan and to resolve conflicts between the States of the region through dialogue. The meetings closed, of course, with an encounter with donors and representatives of the international community, who commended the new approach of IGADD to the resolution of the problems of the region and the achievement of development for its peoples.

(i) Expanded relations between the Sudan and Libya are based on the same approach and they are overseen by the organs of integration in all political, economic and social fields. Libya is leading an endeavour to develop bilateral integration into regional integration with Egypt, and this is welcomed by the Sudan.

(j) Egypt is a neighbour to which we are connected by bonds of civilization and history and by ties of brotherhood. The Sudan's relations with Egypt have remained distinctive and strong, and they are unaffected by temporary disturbances. The Sudan is anxious to eliminate any misunderstanding relating to the attempt to assassinate the President of Egypt, which was condemned by the Sudan at the time it took place. The Sudan took the initiative in building bridges to its Egyptian brothers in two meetings held by its Minister for Foreign Affairs with his Egyptian counterpart in conjunction with the ceremony for the signing of the African Nuclear-Weapon-Free Zone Treaty. On that occasion, the two parties affirmed that the national security of each country was complementary to that of the other, and they stressed the options of good-neighbourliness, non-aggression and the resolution of problems by peaceful means.

(k) The Sudan affirms its commitment to mending its relations with neighbouring countries, and it anticipates that they will share the same desire and the same firmness of purpose so that one and all may enjoy stability and the fruits of joint cooperation.

IV. CONCLUSION

In the foregoing, the Sudan hopes that it has provided reasons, evidence and testimony that will help the Security Council to review its resolutions 1044 (1996) and 1054 (1996) in the interests of justice. The Government of the Sudan further affirms its readiness to cooperate fully with the Security Council and the United Nations in all matters of concern to the international community.

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LETTER DATED 21 JUNE 1996 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication, dated 21 June 1996, which I have received from the Secretary-General of the North Atlantic Treaty Organization.

I would appreciate your bringing it to the attention of the members of the Security Council.

(Signed) Boutros BOUTROS-GHALI

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Annex

Letter dated 21 June 1996 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1031 (1995), I attach the seventh report on the operations of the multinational implementation force (IFOR). I would appreciate your making this report available to the Security Council.

We have now passed the mid-point of the IFOR mission and many successes have been achieved over the past six months. I welcome the considerable achievements to date, including the recent signature of the Arms Control Agreement. The peace remains fragile, however, and as my visit last weekend to the area confirmed, there are still many hurdles to overcome. The period leading up to the elections, a significant milestone along the path of democracy and reconstruction, will be crucial. With this in mind it has been agreed that IFOR will be maintained at approximately its current force level until after the elections and will retain its overall capability until the expiry of its mandate in December.

IFOR will continue with its primary mission of monitoring and enforcing compliance with the provisions of the military annex to the Peace Agreement. Within its capabilities, it will also continue to contribute to, and provide support for, the work of the civil agencies operating in Bosnia and Herzegovina; and will play its part in encouraging cooperation and confidence building between the parties. Ultimately, however, they themselves have prime responsibility to bring a lasting peace to Bosnia and Herzegovina.

(Signed) Javier SOLANA

Appendix

Seventh Report to the UN Security Council
on IFOR Operations

IFOR Operations

1. The multinational implementation force (IFOR) comprises approximately 54,000 personnel deployed in Bosnia-Herzegovina and Croatia, from all the NATO nations and from 16 non-NATO contributors. The most recent enhancement was provided by Egypt, whose contribution was transferred to IFOR control on 25th May. Offers from four additional non-NATO nations are pending. IFOR air assets continue to provide the capability required to secure the air space, defend and support IFOR ground forces, provide support to civilian agencies within mission capabilities, and to monitor compliance. IFOR maritime assets also remain deployed in support of IFOR.

2. During the reporting period IFOR has continued to carry out its primary task of implementing the military aspects of the Peace Agreement with its efforts focused mainly on the inspection and verification of barracks/cantonments and air defence weapons storage sites. IFOR continues to ensure a secure environment in which civil organizations can operate, and, subject to fulfilment of its primary military mission, is now providing increased support to the implementation of the civilian aspects of the Peace Agreement. Ground and aerial patrols of the Inter-Entity Boundary Line (IEBL) and the Zone of Separation (ZOS) have been maintained, as has the monitoring of de-mining operations. As the Freedom of Movement (FOM) issue is paramount to the success of all civilian activities in theatre, IFOR is patrolling more widely throughout Bosnia-Herzegovina to assist in facilitating civilian FOM throughout the country.

3. IFOR maintains the robust capabilities and Rules of Engagement, which enable it to defend itself effectively and to provide protection for others involved in implementing the Peace Agreement. Over the past month there have been restrictions of movement which have increased tension on some parts of the IEBL and which have resulted in orchestrated demonstrations and IEBL crossings. Militarily, the situation has been stable. Mines remain the greatest risk to IFOR and others. Incidents continue to cause casualties among IFOR personnel and local people, and underline the importance of increasing mine clearance and minefield marking activities. The in-theatre Mine Action Centre in Sarajevo was handed over from IFOR to the UN on 20th May. It is intended that the Centre will control and direct all mine-clearing operations throughout the country.

4. Close liaison and coordinated planning has been maintained between IFOR and the United Nations Transitional Administration for Eastern Slavonia (UNTAES). The Operational Plan (OPLAN) to provide Close Air Support to UNTAES when required is in place and coordination and cooperation with UNTAES in the development of an Emergency Withdrawal OPLAN is also underway.

Cooperation and Compliance by the Parties

5. Since D+120 (18th April), IFOR has monitored significant progress in the cantonment of the forces and heavy weapons of the former warring factions, or their demobilization. By D+180 (17th June) there was general compliance with the requirement to move declared heavy weapons to authorised storage sites. Similarly, over the past month, significant progress has been registered in the withdrawal of air defence (AD) systems. However, all sides continue to try to gain local tactical advantage and IFOR continues to find weapons not declared or outside authorized storage sites. Following D+180, any heavy weapons found outside authorized cantonment sites will be confiscated and destroyed. Demobilisation will continue after D+180 and is not expected to be completed until approximately D+270.

6. There may be a few individuals whose continued presence constitutes a lack of compliance with the Foreign Forces provisions of the Dayton Agreement, and IFOR continues to monitor the situation. Some prisoners are also still being held.

Cooperation with the High Representative, the OSCE and other International Organizations

7. IFOR remains committed to assisting the successful completion of civilian implementation tasks contained in the Peace Agreement and its Annexes and it will continue to build on the good cooperation established with the Office of the High Representative and the many civil agencies. Over the past month, IFOR support to the Office of the High Representative has included staff support and liaison, and communications and transportation support.

8. IFOR will provide all possible support, within its capabilities and without prejudice to its primary tasks, to the OSCE's election preparations, and will give priority to election support over support for other civilian tasks, especially during election day. IFOR's main contribution to the election process will be the creation of a secure environment through the provision of area security, the continued patrolling and opening of roads, and the concentration of IFOR forces, where necessary, at potential confrontation points. In addition, IFOR will continue to work closely with the OSCE in providing other forms of support, such as planning, logistics, transportation and communication support. in doing so, IFOR will maintain an even-handed approach and will not provide direct support for political candidates.

9. IFOR continues to support the UN International Criminal Tribunal for the former Yugoslavia (ICTY), by carrying out extensive aerial and ground surveillance of alleged mass grave sites to which the ICTY has given priority status and by providing security and logistical support to ICTY teams investigating these sites. Recent examples are support to the investigations in Central Bosnia-Herzegovina and near Srebrenica. IFOR also provides other transport and logistical support for the ICTY's responsibilities in respect of indicted war criminals. On 13th June, two persons indicted for war crimes and handed over from the Bosnian Government to the ICTY were transported from Sarajevo to the Hague, at the request of the ICTY.

10. To date, IFOR has undertaken 2970 civil action projects, including over 300 civil construction projects, 925 medical assistance projects, 931 instances of humanitarian aid distribution and is currently involved in over 600 additional projects.

Future Force Levels and Capabilities

11. Given the magnitude of the tasks ahead, IFOR will be maintained at approximately its current force levels until after the elections, and will retain its overall capability until December, when its mandate comes to an end.

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LETTER DATED 24 JUNE 1996 FROM THE PERMANENT REPRESENTATIVE OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a copy of the paragraph concerning the Socialist People's Libyan Arab Jamahiriya that appeared in the final communiqué of the Arab Summit held in Cairo on 22 and 23 June 1996.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Mohamed Abulgassem AZWAI
Permanent Representative

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Annex

The paragraph concerning the Jamahiriya which appeared in the final communiqué of the Arab Summit

The leaders express their profound concern regarding the losses to property and human life suffered by the Libyan Arab people as a result of the harsh measures imposed on it pursuant to Security Council resolutions 748 (1992) and 883 (1993). They consider that the lack of a response to the endeavours of the Jamahiriya, the League of Arab States, the Organization of African Unity, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference has considerably delayed a solution to the crisis and increased the suffering of the Libyan Arab people. The leaders are of the view that the proposal put forward by the League of Arab States - that the two suspects, provided with the necessary guarantees, should be judged equitably and independently by the Scottish judges in conformity with Scottish law, at the seat of the International Court of Justice at The Hague - which has met with widespread international support, could be a practical and appropriate solution, and would permit the crisis to be brought to a close. They therefore call upon the three Western countries to be receptive to this proposal in order to end the crisis and alleviate the unjustifiably prolonged suffering of the Libyan Arab people. The Arab leaders also request that the sanctions imposed on the Libyan Arab Jamahiriya should be lifted, since if these sanctions are maintained, the Arab States may be forced to consider possible ways of avoiding further losses by the Libyan people.

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REPORT OF THE SECRETARY-GENERAL ON HIS MISSION OF GOOD OFFICES IN CYPRUS

I. INTRODUCTION

1. The present report is submitted pursuant to Security Council resolution 1032 (1995) of 19 December 1995. In paragraph 11 of that resolution, the Security Council requested me to submit a report during the current mandate period of the United Nations Peace-keeping Force in Cyprus (UNFICYP) on my mission of good offices, including a full assessment of my efforts towards reaching a settlement of the situation in Cyprus.

II. MISSION OF GOOD OFFICES

2. In my last report on my mission of good offices, dated 29 October 1994 (S/1994/1229), I informed the Council, inter alia, that the leaders of the Greek Cypriot and Turkish Cypriot communities had accepted my proposal that they meet in informal direct talks, together with my Deputy Special Representative, Mr. Gustave Feissel, with a view to exploring in a concrete manner ways in which progress might be made both in respect of the implementation of the confidence-building measures and in respect of the overall settlement of the Cyprus problem. I informed the Council that four such meetings had taken place and that I would keep the Council apprised of developments in the light of the continuing consultations. In a letter dated 4 November 1994 (S/1994/1256), the President of the Council advised me that the members of the Council had taken note of the aforementioned report and looked forward to receiving a definitive report at the appropriate time.

3. On 9 December 1994, I told the members of the Security Council that the two leaders had met five times with my Deputy Special Representative at his residence in the United Nations Protected Area (UNPA) in Nicosia for a combined duration of over 10 hours.

4. These meetings offered a good opportunity for the two leaders to explain their positions. The Turkish Cypriot leader urged that the first priority of the talks should be to reach an agreement on the modalities for implementing the package of confidence-building measures relating principally to the fenced area

of Varosha and Nicosia International Airport. The Greek Cypriot leader emphasized the importance, in the first instance, of confirming that when the two leaders each professed commitment to a bicommunal and bizonal federal solution they were indeed in agreement on the fundamental principles. He emphasized that such a solution required acceptance of the basic principles that had been endorsed by the Security Council, most recently in paragraph 2 of resolution 939 (1994) of 29 July 1994, as well as acceptance of the definition of political equality endorsed by the Council in its resolution 750 (1992) of 10 April 1992. The Turkish Cypriot leader reaffirmed his commitment to a federal solution. However, on some aspects, notably sovereignty and political equality, his position remained at variance with Security Council resolutions.

5. During these meetings useful discussions took place on a number of other issues relevant to an overall agreement, notably security and guarantees; membership of the European Union; territory, displaced persons and property claims; the powers and functions of the federal Government; difficulties faced by the Turkish Cypriot community as a result of the Cyprus problem; and implementation of the confidence-building measures.

6. These informal discussions turned out to be inconclusive. But they ensured that each leader was well aware of the position of the other on all the main issues and they seemed to me to have opened up some encouraging prospects. I followed these up in meetings with the Greek Cypriot and Turkish Cypriot leaders on 24 November and 2 December 1994, respectively. I commended the Greek Cypriot leader for his willingness to explore possible mutual compromises (or "trade-offs") that would enable the two leaders to respond to each other's concerns across the board. I urged the Turkish Cypriot leader to respond in a commensurate manner. I underlined to both leaders the promising possibilities offered by the trade-off approach as a means of negotiating an overall settlement, stressing that this opportunity should not be lost.

7. I regret that this effort on my part did not achieve concrete results, although I continued to believe that the informal talks of October 1994 had created unprecedented opportunities for making progress towards a comprehensive negotiated settlement. My subsequent efforts have been devoted to finding a basis for the resumption of direct talks between the two leaders. I asked my Special Representative, Mr. Joe Clark, to visit the area for discussions with both leaders and with senior officials of Turkey and Greece and my Deputy Special Representative to continue his shuttle contacts with the two leaders. Mr. Clark visited Nicosia, Ankara and Athens in March and May 1995. In a briefing on 5 June 1995, Mr. Clark informed the members of the Security Council of his two visits to the area and his efforts to bring about face-to-face talks on an overall settlement, on the basis that both leaders would be willing to engage in discussion of possible trade-offs. He had not found it possible to define such a basis for the resumption of direct talks. He did not see prospects for movement in the near future, but the efforts of the United Nations would continue. Since then, numerous attempts by myself and interested Governments, both on and off the island, have not succeeded in breaking the impasse.

8. Most recently, I met personally with the Turkish Cypriot leader at Istanbul on 6 June 1996 and with the Greek Cypriot leader at Geneva on 11 June 1996.

These meetings provided an opportunity to review the key aspects of the Cyprus problem. I expressed my concern that my mission of good offices had remained at a standstill fo ong time and I pressed them to consider the negative consequences of this deadlock for both communities.

9. The leader of the Greek Cypriot community confirmed his commitment to a negotiated settlement arrived at through direct talks between the two leaders. However, he emphasized that in order to avoid yet another unproductive meeting, it would be necessary to ensure, through proximity talks, that sufficient common ground existed between the two sides before direct talks began. In this connection, he identified five key areas: security, membership in the European Union, territory, sovereignty and political equality. He underlined in particular that both communities felt insecure and that therefore an arrangement had to be devised that addressed with equal effectiveness the security concerns of both. The 1960 Treaty of Guarantee did not meet that objective and his community could not accept that Turkey had the right of unilateral intervention. He recalled his proposal for the demilitarization of Cyprus (see S/1994/680, paras. 25-27), coupled with an international force, which could include Greek and Turkish troops, on the basis of a revised United Nations mandate providing for the right of direct intervention to guarantee the overall agreed settlement as well as the security of each community.

10. The leader of the Turkish Cypriot community reaffirmed his readiness to meet with the Greek Cypriot leader in direct talks within the parameters of: (a) an equal partnership that would treat the Greek Cypriot and Turkish Cypriot communities as equal in all aspects, including in decision-making in the federal Government; and (b) the 1960 Treaty of Guarantee. He suggested that the Set of Ideas serve as the source of reference for direct talks. He voiced his opposition to any change in the 1960 Treaty, including Turkey's right of unilateral intervention, and to Cyprus joining the European Union before Turkey, which he believed would negate the bizonal and bicommunal foundation for a settlement in Cyprus as well as the Treaty of Guarantee.

11. I emphasized yet again the importance of creating as soon as possible a basis for the resumption of direct talks between the two leaders. This should consist of mutual acknowledgement of the concerns of each side and mutual expression of a willingness to compromise. To this end, I called upon both to cooperate with the efforts of my new Special Representative, Mr. Han Sung-Joo, and his Deputy, Mr. Gustave Feissel. I informed both leaders that Mr. Han would visit Cyprus during the last week of June and would then proceed to Athens and Ankara.

III. OTHER DEVELOPMENTS

12. During the period covered by the present report, several developments occurred that could affect the prospects for achieving an overall settlement of the Cyprus problem.

13. On 6 March 1995, the Council of Ministers of the European Union decided that the negotiations for the accession of Cyprus to the Union would begin six months after the conclusion of its Inter-Governmental Conference. While there

is no definite date yet, it is estimated that the negotiations of the European Union with Cyprus are likely to begin in late 1997 or early 1998. At the same time, the Council of Ministers expressed its regret at the lack of progress in the talks under my auspices on a comprehensive settlement and called upon both parties to step up their efforts to achieve that goal in accordance with Security Council resolutions and the concept of a bicommunal and bizonal federation. The Council of Ministers further considered that membership of the European Union should bring increased security and prosperity to both the Greek Cypriot and the Turkish Cypriot communities and called on the European Commission to organize contacts with the Turkish Cypriot community in order to explain the benefits of European Union accession and to allay that community's concerns.

14. During the period under review, interest in the Cyprus question has grown, in particular among the permanent members of the Security Council and members of the European Union and its Commission. This has been reflected, inter alia, in missions to Cyprus, Greece and Turkey by senior government officials and special representatives appointed by the Governments of Italy, in its capacity as President of the European Union, the Russian Federation, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. From 21 to 23 May 1995, the United States, in cooperation with the United Kingdom, convened a meeting in London with representatives of the leaders of the two communities. Its objective, like that of the United Nations, was to find a basis for the resumption of direct talks. However, no progress was achieved. In addition, senior officials of France, Germany, Ireland, Spain and the European Commission also undertook fact-finding visits to Cyprus.

15. On 17 April 1996, representatives of the five permanent members of the Security Council met at United Nations Headquarters with senior members of the Secretariat. Those present exchanged views on the situation in Cyprus and reaffirmed that the status quo was unacceptable. They underlined the importance of a comprehensive approach to an overall settlement of the Cyprus problem on the basis of the relevant Security Council resolutions, the 1977 and 1979 high-level agreements and the Secretary-General's good offices mission.

IV. OBSERVATIONS

16. The negotiations on Cyprus have been at an impasse for too long. My report of 19 November 1992 (S/24830) described the deadlock reached in my efforts to base an overall agreement on the Set of Ideas and the map endorsed by the Security Council in its resolution 774 (1992) of 26 August 1992. Efforts during the following year and a half to reach agreement on the package of confidence-building measures related in particular to the fenced area of Varosha and Nicosia International Airport were also blocked.

17. Thirty-two years after the first involvement of the United Nations in the Cyprus conflict and 22 years after the events of 1974, the international community can reasonably demand evidence that both parties, and others concerned, are serious in their pursuit of an overall settlement on the basis the two parties agreed almost 20 years ago. The Security Council has repeatedly stated that the existing status quo is unacceptable. No one can objectively

believe that it provides a viable basis for preserving the character and security of the two communities.

18. This absence of progress is especially disappointing when, as I have repeatedly pointed out, the elements required to construct an overall settlement have been identified. I refer to the 1977 and 1979 high-level agreements, to the resolutions of the Security Council, to the various ideas that have been elaborated over the years through the United Nations good offices and to the concept of mutual concessions, or "trade-offs", that emerged during the direct talks between the two leaders in October 1994 as the most promising methodology for working out an overall agreement.

19. In addition, the decision of the European Union to begin accession negotiations with Cyprus in 1997 or 1998 is an important new development that should facilitate an overall settlement. As the Council of Ministers of the European Union has pointed out, accession promises enhanced security and prosperity for Greek Cypriots and Turkish Cypriots alike. The European Commission's efforts to explain to the Turkish Cypriot community the benefits of membership in the European Union and to allay its concerns are important in this regard. The imminence of the accession negotiations should also instil a new sense of urgency to the search for an overall agreement.

20. What is now required is a concerted effort by the international community to build on these developments and to give a new impetus to the negotiating process.

21. Greece and Turkey have a special responsibility. It is crucial that they should not only lend their active support to the search for a settlement but should also ensure that their own relations do not develop in a way that endangers that search.

22. A number of other Member States, including the five permanent members of the Security Council and the members of the European Union, have recently provided gratifying evidence of their readiness to add their weight to a coordinated effort to support my mission of good offices in a common endeavour to help the two communities in Cyprus secure peace and prosperity in their island.

23. But the main responsibility will continue to rest with the Greek-Cypriot and Turkish-Cypriot communities. A lasting settlement will not be achieved unless the two leaders can persuade their communities that their interests will be better served by flexibility and compromise than by continuing confrontation. I conclude this report by calling upon the two leaders to work with me, and with the many countries that support my mission of good offices, to break the present impasse and establish common ground on which direct negotiations can be resumed.

UNITED
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Security Council

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S/1996/468
25 June 1996

ORIGINAL: ENGLISH

LETTER DATED 24 JUNE 1996 FROM THE PERMANENT REPRESENTATIVE OF UGANDA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Reference is drawn to the earlier meeting between you and H.E. Mr. Perezi Karukubiro Kamunanwire regarding the alleged attack on Bunagana.

After consultation with the relevant authorities, we have the honour to inform that Uganda believes that the question of posting United Nations monitors along our border with Zaire does not arise since what is happening in that country is purely an internal matter.

As clearly stated in the Ministry of Defence's statement, Uganda has absolutely nothing to do with what is happening in Zaire and holds the view that baseless claims by any State Member of the United Nations should not warrant contemplating stationing of monitors on common borders.

Once again, we would also like to make our position clear as regards a regional conference convened under the auspices of the United Nations and the Organization of African Unity (OAU) on the problems of the subregion.

As stated on various occasions, and reiterated to the Secretary-General of the United Nations at the meeting with H.E. Mr. Yoweri Kaguta Museveni, President of the Republic of Uganda, during the fiftieth anniversary of the United Nations in New York, it is our considered view that the involvement of the United nations and OAU can only come at a later stage. This is a position shared by all countries of the subregion.

In this regard, Uganda is currently actively involved in a regional initiative under the auspices of the facilitators, namely Presidents Carter, Nyerere and Toure. This is still an ongoing process which all concerned wish should be given opportunity to succeed.

I should be grateful if you would have this letter circulated as a document of the Council.

(Signed) Prof. SEMAKULA KIWANUKA, Ph.D
Ambassador
Permanent Representative

UNITED
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General Assembly
Security Council

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A/51/173
S/1996/469
25 June 1996

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-first session
Item 43 of the preliminary list*
THE SITUATION IN BURUNDI

SECURITY COUNCIL
Fifty-first year

Letter dated 20 June 1996 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith a declaration by the Presidency of the European Union on the Great Lakes region and in particular on Burundi, issued on 20 June 1996 (see annex).

I would be grateful if you could have the text of the present letter and its annex circulated as an official document of the General Assembly, under item 43 of the preliminary list, and of the Security Council.

(Signed) F. Paolo FULCI
Ambassador
Permanent Representative

* A/51/50.

ANNEX

[Original: English and French]

Declaration by the Presidency of the European Union on the Great Lakes region and in particular on Burundi

Rome, 20 June 1996 - Italy, as President of the European Union, after consultation among partners, has issued the following declaration:

The European Union's objectives and priorities with regard to the Great Lakes region are to secure peace, to consolidate the process of national reconciliation in the countries concerned, to facilitate a return to normal democratic life, in particular by restoring the rule of law, and to encourage economic and social recovery.

Aware as it is of the close links between the various political, economic and humanitarian problems in the region and of the serious risk of destabilization which remains, the European Union would emphasize the need for a comprehensive approach and a regional dimension in the search for lasting solutions to the crisis. It considers that the presence of over a million and a half refugees in the region constitutes a major factor of destabilization and that their return to their countries of origin in safety and with dignity is essential if peace is to be restored.

It appeals to the heads of State who signed the Cairo and Tunis Declarations to comply with the undertakings they gave, so as in particular to stop trafficking in arms and the training of the various militia and armed groups which serve only to increase insecurity in the region. It would point to United Nations resolution 1053 (1996) in this regard and also the measures in the plan of action adopted by the Bujumbura Conference (12 to 17 February 1995) for the prevention of subversive activities in countries of asylum. The European Union also emphasizes the importance of deploying United Nations observers at airports and at frontiers.

The European Union is increasingly concerned at the deteriorating political and human rights situation in Burundi and at the increase in violence. The persistent clashes, spreading over different parts of the country, and the killings and atrocities committed against the civilian population could well involve Burundi in a spiral of permanent conflict.

The European Union strongly condemns all recourse to violence, which will never bring about a solution to the country's problems, and appeals to all the factions in the country to begin negotiating a resolution of their differences and to agree on an immediate, general cessation of violence. It supports the initiatives taken by the United Nations and the Organization of African Unity (OAU) to restore peace, as well as former President Nyerere's current efforts in this area. It fervently hopes that the talks taking place will result in a national dialogue open to all factions within the country. It also expresses its support for the ongoing efforts made by various bodies and eminent figures such as former Presidents Carter and Toure and Archbishop Tutu.

The European Union would point out that it too has taken initiatives aimed at resolving the crisis and recently appointed a special envoy for the Great Lakes region, Mr. Aldo Ajello, to assist the current efforts of the United Nations, OAU and other bodies and individuals and specifically to lend support to the organization of a regional conference under the joint aegis of the United Nations and OAU to examine and resolve the deep-rooted causes of the crisis. The European Union remains convinced that such a conference must be convened as soon as possible.

The European Union reiterates that it is prepared to assist with specific measures to promote peace and reconciliation in Burundi, in particular the organization of a national dialogue, support for action to promote human rights and the restoring of the rule of law. It is furthermore willing to continue funding the presence of OAU observers and United Nations human rights observers in the country. It is also prepared to help with the economic and social recovery of Burundi as soon as political and security conditions allow rehabilitation programmes to be set up in the country.

UNITED
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General Assembly
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S/1996/470
25 June 1996
ENGLISH
ORIGINAL: SPANISH

GENERAL ASSEMBLY
Fiftieth session
Agenda item 140
UNITED NATIONS DECADE OF
INTERNATIONAL LAW

SECURITY COUNCIL
Fifty-first year

Letter dated 25 June 1996 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to request that the attached document, containing the views of the Cuban authorities on the procedure followed in the investigation conducted by the International Civil Aviation Organization (ICAO) team on the violation of Cuba's territorial airspace and on the report of the investigation, be circulated as a document of the fiftieth session of the General Assembly, under agenda item 140, and of the Security Council.

(Signed) Bruno RODRÍGUEZ PARRILLA
Ambassador
Permanent Representative

96-15795 (E) 270696 270696 280696

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Annex

[Original: Spanish and English]

Views submitted by the Cuban authorities on 24 June 1996 concerning the procedure followed in the investigation conducted by the International Civil Aviation Organization team on the violation of Cuba's territorial airspace and on the report of the investigation

The appendix to annex 13 of the 1944 Convention on International Civil Aviation clearly establishes the methodology to be used and the elements that should be included in each chapter of the reports on investigations of aviation accidents or incidents under this Convention. This time, the use of that methodology has been inappropriate and incomplete. By not complying with the provisions of the above-mentioned appendix, the section dealing with the facts is unbalanced and omits core elements, such as the causes and background of the events and information on the activities and real nature of the "Brothers to the Rescue" organization.

As has been established, the Government of the Republic of Cuba received, in good time, the section of the report dealing with the facts. Accordingly, the comments and suggestions requested by the investigating team were appropriately and promptly prepared and forwarded. These comments and suggestions were not taken into account in the final text distributed to the International Civil Aviation Organization (ICAO) Council members.

In accordance with the procedure set up by the investigating team, technical meetings were to have taken place on 20 and 21 June 1996 between the team and the Cuban and United States delegations. From the outset, Cuba felt that these meetings were of no use whatsoever, since it was already clear that they would be purely formal and that, in such a context, it would be impossible to introduce amendments beyond merely correcting factual errors. In other words, it would not be possible to correct the omissions, contradictions, inaccuracies and manipulative statements in the investigating team's report.

The investigation was to have been completed by 6 May 1996, according to the timetable set for the ICAO Council in its resolution of 6 March 1996. The delays on the part of the United States in providing the information requested of it, including important evidence such as radar images, forced the ICAO Council on the very same day, 6 May, to extend the deadline for the completion and submission of the report. This deadline continued to be extended, as there were further delays in the submission of evidence by the United States.

Some weeks ago, long before we were informed about the first part of the report, the ICAO Council and the members of the Security Council were warned about the strange and suspicious failure on the part of the United States to hand over evidence, as reflected in General Assembly and Security Council document A/50/959-S/1996/370 of 23 May 1996, which contains the following paragraphs:

"The ICAO team asked the Government of the United States to present seven pieces of evidence as part of the information and additional materials requested. The failure by the United States to produce the seven pieces of evidence in a timely manner forced the ICAO Council to postpone the submission of the final report on the investigation and the consideration of the matter for another month, extending the time stipulated in the resolution adopted by this organization.

"Given the fact that the evidence requested from the United States by the ICAO team is part of the technical evidence obtained during the occurrence of the incident, the delay in the presentation of said evidence by the aviation authorities and the Government of the United States is worthy of note."

This warning was repeated in General Assembly and Security Council document A/50/980-S/1996/449 of 19 June 1996, as follows:

"Unfortunately, the absence of similar diligence on the part of the United States and its withholding of and delay in turning over some evidence, without any explanation, have prolonged the investigation process and caused its consideration by the ICAO Council to be postponed twice.

"We cannot ignore the fact that political pressures and sordid electoral interests are contaminating this issue, nor are we unaware of the heated electoral speeches and domestic policy manoeuvres that are taking place. All of these amount to cynical acts of political support for the aforesaid illegal activities or, at the least, make a decisive contribution to the climate of impunity in which these activities are taking place."

For the above-mentioned reasons the investigative process took more than three months, and this meant that the report was not distributed to ICAO Council members until the afternoon of Thursday, 20 June 1996. Now the report is supposedly scheduled to be considered by the Council on 26 June 1996, just five days after it was distributed. To make matters worse, three of those five days are holidays in Montreal. This last-minute haste contrasts suspiciously with the laxness and flexibility of the process during the time when the United States Government was delaying it. It is obvious that the amount of time now being given to the ICAO Council members to consider and examine the report, send it to their capitals and receive the necessary instructions is ridiculously short. To Cuba, this unnecessary and even pernicious haste is incomprehensible.

It was acknowledged in the interim report submitted by the investigating team to the Council at its meeting of 6 May - at which it was decided to grant an extension for the completion and submission of the report - that "by 30 March 1996" (one day before the end of the scheduled visit to Cuba by the investigating team) "the authorities in Cuba had complied fully with all requests by the team for interviews, statements, civil and military data, documents and charts, as well as communications recordings and transcripts". In other words, by that early date the Government of the Republic of Cuba had already submitted all the proofs and evidence in its possession in a timely and transparent manner.

Moreover, the investigating team not only visited the United States on the dates indicated in the interim report, but also continued to hold "meetings and deliberations" with delegations of that country in Montreal until as recently as 3 and 4 June 1996. Curiously, these "meetings and deliberations" took place only with the United States; at no time were the Cuban authorities asked to hold additional talks with the investigating team.

The unfounded conclusions, the omissions, the inaccuracies, the irregularities and the contradictions evident in the report are conspicuous and make it an unbalanced, partial and far from objective document. The inequitable handling of the information provided by the parties, the value selectively placed on witnesses' statements and on "testimony" provided by third parties, the use of uncorroborated information provided by one of the parties and the rejection of information provided by the other party, the introduction into certain sections of the report of extraneous elements that steer the reader towards predetermined conclusions and the structure given to some sections confirm the report's partiality.

The report submitted by the ICAO team tends in almost every instance to question the credibility of the evidence provided by the Republic of Cuba, qualifying it with the phrase "according to the Cuban authorities", while it presents other elements, sometimes even of dubious origin, as if they were irrefutable evidence.

One example of this is how the report disregards and questions the accuracy of the statements made by the captain of the sailing boat that was in Cuban waters on the day of the incidents, whom the team interviewed and asked all the questions its members deemed pertinent, and how it presents as irrefutable the alleged "statements" of the crew of the fishing boat Tri-liner whom, according to the schedule of activities in the United States which it includes in its report, the ICAO team did not interview. Presumably, the alleged "statements" by those persons were provided to the investigating team by the United States authorities.

It can also be observed that the team finds credible the alleged position of the downing of the aircraft, as deduced from uncorroborated information on the position of the Majesty of the Seas cruiser and the Tri-liner fishing boat, itself deduced from information which the team did not verify personally, while it disregards almost all the evidence provided by the Republic of Cuba on this issue. This suspect information even provides the basis for some of the report's conclusions.

What is worse, however, is that the report tends to give credence to the "information" provided by the United States on communications between the pilots of the Cuban planes that gave pursuit and their ground control, which suspiciously contradicts the original version handed over by the Cuban authorities. .

As the reports indicates clearly, Cuba provided the original tape of the recording of radiocommunications between the military aircraft that intercepted the planes and their ground control, a copy of this recording on cassette and the tape recorder on which the original recording was made.

Furthermore, as regards the United States version, the report itself indicates that the ICAO team listened to a recording provided by the United States of the communications between the Cuban military aircraft that intercepted the planes and their ground control. The cassette with the recording was not handed over, but the ICAO team was given a transcript in Spanish and an English translation. Elsewhere, the report states that on 3 and 4 June 1996, the ICAO team analysed the original tape recording made by the United States of communications between the Cuban military aircraft and their ground control. It seems clear that the United States simply allowed the ICAO team to listen to its version of those communications and did not hand over the original tape. It is also striking that it only gave the team an opportunity to "analyse" the alleged "original tape" on 3 and 4 June, three and a half months after the incidents of 24 February 1996.

It is important to note the differences between the two versions. If they are analysed carefully and in conjunction with the capricious conclusion that the "most reliable estimate" of the position of the downing is "determined" by the location of the vessels Majesty of the Seas and Tri-liner, a version of events that, as we pointed out, is by no means proven, it can be seen that the bits added to the United States version of the communications amount to a suspicious and even absurd attempt to put words into the mouths of the Cuban pilots that would confirm the United States hypothesis as to where the aircraft were downed. This points to an obvious manipulation of the evidence by the United States authorities and to an attitude of complicity on the part of the ICAO investigating team.

This is not the only clear sign of manipulation in the report. An attempt is also made to cast doubts on the study of marine currents in the area submitted by the Cuban Institute of Oceanology, although the team interviewed specialists in Havana without the "doubts" that have now emerged ever coming up on that occasion. Mention should be made of the importance of that study, since the only remains of the downed aircraft that were traced were found within Cuba's territorial waters the day after the incidents, even though currents in the area flow away from rather than towards Cuba's coastline.

Moreover, the investigating team decided to make its own calculations of the position and direction of the sailing boat that was in Cuban waters when the aircraft were shot down, without doing the same for the other boats' positions, which it takes as correct without any kind of corroboration, just as it subjectively and capriciously disregards the assertions of the Cuban pilots and other evidence about the warnings given to the downed aircraft.

The report now in circulation treats as gospel truth the radar information provided by the United States, no matter how suspect, partial and misleading it may be.

The report is even guilty of manipulation and omission as regards information not supplied by the Republic of Cuba but which may help shed light on Cuba's actions in this case. For instance, it casts doubts on the 9 and 13 January 1996 violations of Cuban airspace which prompted the Cuban Government to take drastic decisions in defence of its airspace and sovereignty and even ignores information contained in official United States documents, such as the

March 1996 Order to Cease and Desist, and television broadcasts in the United States on the violations of Cuban sovereignty that occurred on those days.

To sum up, the innumerable examples that could be given of these kinds of manipulations, contradictions and omissions show that the report has been tailor-made to present a distorted picture of the facts and of what led up to them, in order to serve as a pretext for taking action against Cuba as part of the vendetta launched against Cuba 37 year ago by the United States Government. The use which the United States Government has made of the report so far, leaking its contents to the press before the other members of the ICAO Council had even seen it, also forms part of these obscure machinations.

Lastly, the absence of references to clear provisions of the 1944 Chicago Convention which have a direct bearing on the incidents in question and on what led up to them is also a source of concern to the Government of the Republic of Cuba. The preamble to the Convention is clear when it states that the abuse of civil aviation "can become a threat to the general security", while its article 4 stipulates that "Each contracting State agrees not to use civil aviation for any purpose inconsistent with the aims of this Convention".

It is obvious that on this occasion, as in the many documented cases of violations of Cuban airspace which led up to the 24 February 1996 incidents (more than 35 since 1992), there was a clear "misuse of civil aviation". The Government of Cuba finds it difficult to understand why the investigating team did not include such elements among the findings of its report, unless its aim was to cover up, once again, the United States failure to fulfil its responsibilities and obligations under the Convention on International Civil Aviation.

The reason for the existence of ICAO, and its main responsibility, is to prevent and avert the repetition of these incidents, in other words, to put a stop to the violations of Cuba's sovereignty and territorial airspace.

These acts have occurred with absolute impunity because the United States has failed to meet its obligations in this regard.

The main effect of the decisions which ICAO is to take will be either to halt or to encourage this impunity.

This is also a decisive test for the organization and for the international community, when further violations of the sovereignty, airspace and territorial waters of the Republic of Cuba have been announced publicly for 13 July.

UNITED
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Security Council

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S/1996/471
25 June 1996
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 24 JUNE 1996 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, and with reference to the letter from the Permanent Representative of Iraq addressed to the Secretary-General of the United Nations and issued on 7 June 1996 as document S/1996/410, I should like to inform you of the following.

1. The statements contained in the letter from the representative of Iraq are incorrect and mere allegations, which are repeated from time to time in an attempt to divert the attention of the international community from the Iraqi regime's failure to implement its obligations pursuant to Security Council resolutions.

2. The above-mentioned letter contains fabrications which are disproved by the facts and the evidence. For example, the letter mentioned "a patrol boat flying the flags of Kuwait and of the United Nations". However, Kuwaiti coast guard patrol boats fly only the Kuwaiti flag, and never fly any other flag. Further, the boats bear clear and distinct markings and numbers which are easily recognizable.

3. After an on-site investigation into these allegations conducted by the United Nations Iraq-Kuwait Observation Mission (UNIKOM), we were informed that absolutely no information could be found to substantiate the allegations.

4. Such allegations, whose purposes are quite transparent, reaffirm the pressing need for UNIKOM forces to have a very visible naval presence on Kuwait's maritime borders with Iraq.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

96-15841 (E) 260696 260696 270696

UNITED
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Security Council

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S/1996/472
26 June 1996

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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS TRANSITIONAL ADMINISTRATION FOR EASTERN SLAVONIA, BARANJA AND WESTERN SIRMIUM

I. INTRODUCTION

1. The Security Council, by its resolution 1037 (1996) of 15 January 1996, decided to establish the United Nations Transitional Administration for Eastern Slavonia, Baranja and Western Sirmium (UNTAES) as a peace-keeping operation for an initial period of 12 months. It further requested the Secretary-General to appoint, in consultation with the parties to the Basic Agreement of 12 November 1995 (A/50/757-S/1995/951) and with the Security Council, a Transitional Administrator, who would have overall authority over the civilian and military components of the operation.

2. The Security Council approved the nomination of Mr. Jacques Paul Klein (United States of America) as the Transitional Administrator, and he took up his duties on 11 February 1996. Initially, pending the identification of a suitable site for UNTAES headquarters in the Region of Eastern Slavonia, Baranja and Western Sirmium (hereinafter referred to as "the Region"), the Transitional Administrator and his staff operated from existing United Nations facilities at Zagreb. In late February, a site was identified on the grounds of the Serb barracks at Vukovar, and construction of a headquarters began in early March. The Force Commander of UNTAES, Major-General Jozef Schoups (Belgium), established his interim headquarters at Erdut and assumed command of the military component of UNTAES on 14 March. The military component transferred from Erdut to Vukovar on 1 April and the Transitional Administrator and his staff moved from Zagreb to Vukovar on 22 April.

3. This first report to the Security Council on the activities of UNTAES and the implementation of the Basic Agreement by the parties is submitted pursuant to paragraph 4 of resolution 1037 (1996), in which the Security Council requested the Secretary-General to report monthly to the Council, the first such report to be submitted within one week after the date on which the demilitarization was scheduled to be completed. The demilitarization of the Region began on 21 May and was completed on 20 June.

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II. POLITICAL ASPECTS

4. As I noted in my report of 23 November 1995 (S/1995/987), the Basic Agreement, signed on 12 November 1995, is a landmark accomplishment providing for the peaceful integration into Croatia of the Region, and opening the way for the return to their homes of all Croatian displaced persons who so wish. In keeping with this, the mission's objectives are to bring the Region, demilitarized and secure, under the sovereign control of the Government of Croatia; to retain the multiethnic character of the Region; to promote an atmosphere of confidence among all local residents irrespective of their origin; to enable all refugees and displaced persons to enjoy the right to return freely to their homes and live there in conditions of security; to promote respect for the highest standards of human rights and fundamental freedoms; to promote redevelopment and reconstruction of the Region in harmony with the overall plans of Croatia; and to organize free and fair local elections not later than 30 days before the end of the transitional period.

5. Upon taking up his responsibilities, the Transitional Administrator initiated, and has thereafter maintained, a close dialogue with senior officials of the Government of Croatia. He has met with President Franjo Tudjman and the Croatian cabinet on several occasions to discuss the implementation of resolution 1037 (1995) and the Basic Agreement. The Government of Croatia has also established an office at Osijek for cooperation with UNTAES, which provides the necessary coordination for the day-to-day requirements of the implementation process. President Tudjman and other senior Croatian interlocutors have expressed their general satisfaction with the progress achieved so far by UNTAES.

6. In paragraph 25 of my report to the Council of 13 December 1995 (S/1995/1028) on the implementation of the Basic Agreement, I had mentioned the value of an amnesty from prosecution for certain categories of offences, excluding war crimes. This would assist in the process of demilitarization, calm the fears of persons wishing to return to their homes inside the Region and other parts of Croatia, and facilitate the overall process of reintegration of the local population into the mainstream of Croatian society. The Transitional Administrator wrote to President Tudjman on 2 May 1996 requesting that the Government of Croatia take steps to adopt such a law, in advance of the beginning of demilitarization. Subsequently, the Security Council, through a statement by its President of 22 May (S/PRST/1996/26), called upon the Government of Croatia to grant amnesty to all persons who, either voluntarily or by coercion, served in the civil administration, military or police forces or the local Serb authorities in the former United Nations Protected Areas (UNPAs) with the exception of those who committed war crimes as defined in international law.

7. Unfortunately, the law, as finally adopted, enacted on 31 May, lacks the specificity that is required in a penal enactment and is more restrictive than similar laws previously adopted in Croatia. The main drawbacks appear to be that the new law does not provide amnesty to all Croatian citizens but only those in the Region; further, it includes the possibility of prosecuting, in Croatian courts, persons accused of "most serious crimes" - a categorization that leads to confusion and uncertainty as to whom it might be applied. Both

the local Serb population in the Region and international humanitarian agencies have expressed concern about the restrictive nature of this amnesty law. In response to urgings by UNTAES, the Government of Croatia provided clarifications to the law at a press conference addressed by senior cabinet ministers on 17 June. According to the explanations provided a total of 50 persons in the Region stand accused of war crimes and would have to be tried in keeping with international practice. Another 4,774 persons had cases pending against them, being accused of crimes that came under the exemptions not covered by the amnesty law. UNTAES continues to seek further clarifications in this regard, including details of the persons thus accused.

8. The Transitional Administrator and other members of UNTAES have maintained regular contact with representatives of the local Serb population. In the month of April the chief Serb negotiator, Mr. Milan Milanovic, was replaced by Mr. Goran Hadzic. At the same time the local Executive Council, which had been instrumental in coordinating the implementation of the Basic Agreement, had its chairman and many members replaced. An unhelpful element was introduced in May, when a proposal for autonomy or special status for the Region was put forward by various Serb municipal councils. This was later modified by the local Regional Assembly to a request for special rights or "special status" for the Serbs living in the Region, in the fields of local self-government, culture and representation in law enforcement agencies among others.

9. In view of the significant role played by the Federal Republic of Yugoslavia in the conclusion of the Basic Agreement, and its continuing interest in the successful implementation of the UNTAES mandate, the Transitional Administrator has, on a number of occasions, briefed President Slobodan Milosevic and other Yugoslav authorities on relevant developments.

10. The visit of the Minister for Foreign Affairs of the Federal Republic of Yugoslavia to Zagreb on 11 March resulted in agreements between Croatia covering the Adriatic oil pipeline, consular matters, the restoration of highway and railway links and the re-establishment of air corridor and telecommunication links between the two countries. At the request of both countries UNTAES has been assisting in the implementation of these agreements, particularly where communication and other links traverse the Region. UNTAES, with the support of its engineering elements, organized the demining and clearing of 7 kilometres of the Zagreb-Belgrade highway that passes through the Region. It also facilitated the establishment of Croatian immigration and customs facilities at the border with the Federal Republic of Yugoslavia. The highway was opened to traffic on 7 May. On the same day, the Adriatic pipeline, where it traverses the Region, was re-opened, enabling oil to be pumped from Croatia to the Federal Republic of Yugoslavia. UNTAES has also supervised the demining of the main railway line between the two countries, where it runs through the Region between Vinkovci and Tovarnik.

III. MILITARY ASPECTS

11. The deployment of the military component of UNTAES was completed on 5 May 1996; the total military strength is at present close to 5,000 combat troops and support units. Belgium has provided headquarters and communications

personnel. Two mechanized infantry battalions, from Belgium and the Russian Federation, were transferred to UNTAES from the United Nations Confidence Restoration Operation in Croatia (UNCRO); two further mechanized infantry battalions, from Pakistan and Jordan, arrived subsequently. Each battalion has been organized into a monitoring force and a company-sized protection force. There is in addition a Ukrainian tank company and an Argentinian reconnaissance company. Ukraine has also provided a transportation helicopter squadron of 6 aircraft and an anti-tank helicopter squadron of 10 helicopters. Medical support is provided by a Czech field hospital and an Indonesian medical company. An engineering battalion from Slovakia will continue to provide support after the departure of the Indonesian engineering battalion, which had been retained from UNCRO.

12. As authorized by resolution 1037 (1996), arrangements have been made with the Implementation Force (IFOR) based in Bosnia and Herzegovina to provide UNTAES with close air support, should it be required. Other arrangements for IFOR support, if needed in an emergency, are in place.

Demilitarization

13. The schedule and procedures for demilitarization were handed over by the Force Commander to the commander of the Serb forces in the Region on 15 April. A copy was also provided to the Government of Croatia. The Force Commander further kept both parties informed of military activities through a joint implementation committee on military affairs.

14. Demilitarization of the Region began at 12 noon local time on 21 May, proceeded smoothly, and was completed on 20 June. All heavy weapons belonging to the local Serb forces have either been removed from the Region or handed over to UNTAES for disposal. From March 1996 to the present, UNTAES has monitored the removal of 93 tanks, 11 armoured personnel carriers, 35 anti-tank systems, 107 artillery pieces, 123 mortars and 42 anti-aircraft guns.

15. UNTAES also established, operated and guarded various weapon collection and destruction sites, where collected weapons and related material were deactivated or destroyed. There has, however, been little handing over of small arms or munitions. While many of these may have been removed from the Region, it is likely that considerable quantities have stayed in private hands, as a result of the anxiety felt by some residents of the Region about their long-term security. UNTAES has developed a procedure for registering non-military weapons of persons entitled to hold them. These will not include weapons above a certain calibre or automatics, which continue to be proscribed under the rules of demilitarization.

16. The UNTAES military component established observation posts in the zone of separation between the Croatian and Serb forces, prior to and during the process of demilitarization, and monitored demining efforts by the parties. It is essential that the integrity of the zone be respected, pending new arrangements after demilitarization. The discovery in early June that elements of the Croatian Special Police and the Croatian army were operating in the zone, near the Lipovac highway, therefore created concern. UNTAES brought its concerns to the attention of the Government of Croatia, noting that such activities were

inimical to the creation of an atmosphere of security in the Region. Following these interventions, incursions into the zone ceased.

17. Among other tasks related to the implementation of the Basic Agreement, UNTAES soldiers have provided support in preventing the illegal removal of resources from the Region. This has included the interdiction of the transport of illegally cut timber by train. On 14 May 1996, UNTAES military units also assumed control of the strategic Djeletovci oilfield, and secured the departure of the "Scorpion" paramilitary unit from the area.

18. United Nations military observers are playing a crucial role in UNTAES by gathering accurate and timely information on all aspects of military and civilian affairs. Through their liaison activities, contacts have been made with all levels of the local military and civilian authorities, including paramilitary forces. This was of critical importance in the period preceding demilitarization. The United Nations military observers reporting and investigative functions have been accepted by all parties and arrangements have been worked out with the Croatian army for them to patrol on both sides of the zone of separation.

IV. CIVILIAN ASPECTS

19. The civilian component of UNTAES is entrusted with an extensive range of responsibilities, which include the setting up of a temporary police force, undertaking tasks related to civil administration and the functioning of public services, facilitating the return of refugees, organizing elections and assisting in the development and economic reconstruction of the Region. The completion of demilitarization will make it possible to give greater attention to these civilian tasks.

20. As described in my report of 13 December 1995 (S/1995/1028), the functional implementation committees were to be the principal engines for the process of reintegration. UNTAES has successfully established joint implementation committees in the areas described in that report. They are chaired by representatives of the Transitional Administrator and are attended by Croatian and local Serb representatives. They identify the areas where action is required to facilitate reintegration and seek solutions acceptable to all sides.

Civil affairs

21. The civil affairs component consists of 44 civil affairs officers, 17 of whom operate from headquarters in Vukovar and 27 in the six field offices at Beli Manastir, Osijek, Vukovar (city), Vinkovci, Erdut and Ilok. It is responsible for the staffing, chairing and coordinating of a number of important joint implementation committees. There are 15 operational joint implementation committees and subcommittees in the areas of public services, education and culture, civil administration and human rights. The joint implementation committee secretariat in civil affairs supports the joint implementation committee on refugees and displaced persons and civil affairs officers participate in the joint implementation committee on police.

22. The joint implementation committee on the restoration of public services, through its sectoral subcommittees, has made significant progress in reconnecting pre-war public services. These include the reopening of postal exchanges with the rest of Croatia, the re-establishment of telecommunications links, the repair and demining of the Vinkovci-Sid railway line, the re-establishment of the electrical transmission grid and the construction of a canal connecting the Sava and Danube rivers. A subcommittee on agriculture has re-established trade links between the Region and other parts of Croatia, including the barter of fertilizer for food grains and pesticides for wine. The subcommittee also arranged for the first anti-mosquito spraying in five years.

23. The joint implementation committee on education and culture is arranging for a joint assessment of school conditions and facilities in the Region, and is also providing a forum for the discussion of such issues as language rights and restoration/preservation of churches, grave sites and monuments. The joint implementation committee on civil administration has agreed on a programme of work on property and personal records, which will be crucial for the transition of local administrative structures into the Croatian system. The joint implementation committee on human rights has provided a mechanism for discussing and transmitting to the Government of Croatia the Serb viewpoint on the amnesty law already referred to. It is also considering human rights training for local non-governmental organizations, for which UNTAES has obtained funding from the Council of Europe. The joint implementation committee on health, co-chaired by a representative of the World Health Organization (WHO), has held a seminar for health professionals from both sides on psycho-social protection of war-traumatized children.

24. The civil affairs component has also worked on confidence-building measures such as family reunions, town hall meetings and the reinstatement of pensions. Family reunion meetings have brought together over 4,000 persons since November 1995, when they were first initiated by UNCRO. The International Committee of the Red Cross (ICRC) has now largely assumed this task. The Office of the United Nations High Commissioner for Refugees (UNHCR) helps individuals from the Region who require assistance to make humanitarian visits to other parts of Croatia. Town hall meetings have enabled UNTAES to explain its mandate and the process envisaged for the reintegration of the Region into Croatia.

25. After lengthy negotiations, the Government of Croatia has agreed to pay pensions to eligible residents of the Region, including, at the insistence of UNTAES, Serb displaced persons from other parts of Croatia. Despite initial doubts and resistance on the part of the local Serb leadership, UNTAES succeeded in starting the necessary registration of beneficiaries by the Croatian Pension Fund.

26. The civil affairs component has facilitated meetings at the local level of the Croatian and Serb commissions for prisoners of war and missing persons. When requested, UNTAES has also facilitated the presence at such meetings of representatives from the Federal Republic of Yugoslavia. However, the larger question of missing persons remains a matter for resolution by the Governments of the countries concerned, with the assistance of ICRC and other such institutions.

Economic and social aspects

27. Prior to the hostilities, the Region was among the most affluent in the former Yugoslavia with an industrial capacity of approximately US$ 250 million. This is estimated to have declined by 90 per cent since 1991. The Region's rich agricultural sector, once a major exporter, now has difficulty in feeding the local population because of lack of finance for equipment, pesticides and fertilizers. Unemployment is about 40 to 50 per cent and is expected to rise with the demobilization of the local soldiers and police.

28. The single most important economic resource of the Region is the oilfield around Djeletovci. With a total of 74 wells, the oilfield was producing around 10,000 tonnes of crude oil a month, most of which was being refined at the Pancevo refinery in the Federal Republic of Yugoslavia. For Croatia, it was extremely important to stop this outflow of crude oil and it made this a condition for the opening of the Adriatic pipeline to the Federal Republic of Yugoslavia. Production of crude oil at Djeletovci stopped on 16 April. On 7 June, after UNTAES had established control over the oilfield, a joint technical survey was carried out by Croatian and local Serb experts. Discussions are at present under way to restart production of crude oil and its shipment to the Sisak refinery.

29. The revenue available to the local administration fell rapidly following the closure of the Djeletov oilfield and the consequent effects on industries that were significantly dependent on oil derivatives. Failure to pay salaries in the near future may result in the rapid depletion of public services and in a general breakdown of law and order. If the newly established Transitional Police Force is to be fully responsive to UNTAES command (see para. 33 below), it must be allocated a budget that guarantees adequate remuneration for its personnel and a professional working environment. Funding is also required to incorporate demobilized persons into civilian life through, for example, programmes for demining, removal of war debris, road repair and restoration of public utilities. In view of the potentially destabilizing effects of the situation described above, UNTAES has launched an urgent search to identify funding for the local administration and public services from Croatian and other sources.

30. Economic development is a key factor in stabilizing the Region. An economic reconstruction and coordination unit has been established within the UNTAES civil affairs component. It works closely with political, community and business leaders to obtain data and assess priorities, so that international resources can be mobilized for reconstruction and rehabilitation. It also cooperates with non-governmental organizations and other bilateral and multilateral agencies to coordinate economic assistance offered to the Region. The Governments of Belgium, Norway and the United States have pledged amounts of $5 million, $6.2 million and $9.7 million, respectively, and the European Union has pledged $10 million for the reconstruction of public utilities and the demolition of unsafe buildings, as well as $1.6 million for demining by demobilized persons from the Region.

Police matters

31. UNTAES has an authorized strength of 600 United Nations civilian police monitors, of whom 432 had arrived in the mission area as of 22 June 1996. Early in the mission, the United Nations civilian police established contacts with the local Serb police in the Region and also with the Croatian police. Pending the establishment of a temporary police force, as called for in Security Council resolution 1037 (1996), the United Nations civilian police moved rapidly to establish its presence in all the local police stations and to monitor their functioning. It also monitored the treatment of arrested offenders and the prison system.

32. Simultaneously, UNTAES started work on establishing and training the Transitional Police Force and defining its structure and size, for which purpose it established a joint implementation committee on police matters. The Committee has agreed on the size and structure of the Force, which is to be established on 1 July 1996 and will have an estimated strength of 1,300 personnel. By the beginning of July, 290 members of the Force, 145 of them proposed by the Government of Croatia and 145 by the local Serb representatives, will have undergone professional training at the International Law Enforcement Academy (ILEA) at Budapest. United Nations civilian police monitors have participated in this training programme, which has been assisted by the International Crime Investigation and Training Assistance Project, an agency of the Government of the United States. A further 600 members of the local police have also undergone training by the Project at Erdut in the Region.

33. Demilitarization of the local police, with the exception of those who will remain as members of the Transitional Police Force, has been carried out as part of the overall demilitarization of the Region. The Transitional Police Force will now have the primary responsibility for the maintenance of law and order, operating under the authority of the Transitional Administrator and monitored by the United Nations civilian police.

Border monitors

34. UNTAES is required to establish procedures for the monitoring of existing border crossings and to facilitate the free movement of persons. As of 22 June, 28 UNTAES border monitors had been deployed. Operational monitoring of the Region's nine identified international crossing points by road and rail commenced on 27 May, and 24-hour monitoring will begin as soon as more staff and equipment become available. With the deployment of monitors on the international borders between Croatia and the Federal Republic of Yugoslavia, customs regulation has improved and the illegal transportation of timber and looted goods is declining.

Legal matters

35. In order to assist the phased reintegration of the Region's legal system into that of Croatia, UNTAES has initiated liaison with the Region's judiciary in order to monitor all courts, law enforcement bodies and penal establishments. This activity is still perceived with some apprehension among local officials, but will expand gradually. The legal officers of UNTAES remain engaged in the

effort to encourage the Government of Croatia to produce an amnesty law that is short, comprehensive and clear.

Public affairs

36. Before the deployment of UNTAES, the population of the Region had been kept in ignorance or had been misinformed about the Basic Agreement and the relevant Security Council resolutions, and had been subjected to propaganda from both sides. As a result they were ill-informed and apprehensive about their future. UNTAES accordingly concentrated in its public affairs activities on confidence-building. UNTAES is currently producing, three times a month, 50,000 copies in the Croatian and Serbian languages of a two-page UNTAES Bulletin, which has already established a large readership. The early issues were devoted to explaining the Basic Agreement, the Security Council resolutions and the UNTAES mandate. A special issue of 100,000 copies was devoted to the demilitarization process and this will be the pattern for future major initiatives. Several thousand posters were also distributed.

37. UNTAES broadcasts daily on the local radio station at Vukovar, which is heard throughout the Region, and makes radio "call-in" presentations on several other stations. The Transitional Administrator and other senior UNTAES officials also give regular interviews on television, as well as press conferences in Vukovar and other places. UNTAES has organized seminars and workshops for journalists from the Region, other parts of Croatia and the Federal Republic of Yugoslavia to discuss the role of the press and press freedom, as these relate to the UNTAES mission.

V. HUMANITARIAN ASPECTS

Displaced persons and refugees

38. In accordance with its mandate, UNHCR is responsible for refugees and displaced persons throughout the former Yugoslavia. It continues to provide food assistance to approximately 42,000 displaced persons in the Region. The distribution, now in its fourth year, is carried out through local Red Cross associations.

39. In the joint implementation committee on the return of refugees and displaced persons, UNHCR has stressed the equal right of return for all Croatian citizens, including displaced Croats and Serbs seeking to return to or from the Region. In the view of UNHCR, this is vital to prevent the further displacement of displaced Serbs at present residing in the Region as and when former residents of the Region return to their homes. The Committee has focused on pilot projects for UNHCR-supported group returns planned for August-November to three villages in the Region and one in Western Slavonia. Demining, construction and/or rehabilitation of dwellings and common facilities will commence in July with returns before winter.

40. The joint implementation committee has also agreed that UNTAES assist the Government of Croatia in facilitating pilot projects on returns to other villages, currently seven villages in the Region, and an as yet undetermined

number of villages in Western Slavonia in consultation with UNHCR. Most of the funding for demining and reconstruction for this programme, which focuses upon largely destroyed villages, will be provided by the Government of Croatia. UNTAES and UNHCR have agreed that the joint implementation committee will be the forum for resolution should there be any inequities between the two programmes.

Demining

41. The demining challenge is daunting - there may be as many as 350,000 mines in the Region. Working in conjunction with UNHCR, UNTAES will facilitate actively humanitarian mine clearing in priority areas. UNTAES also plans to assist in the establishment of a sustainable indigenous mine clearance capacity. The first step will be to retrain and re-equip demilitarized Serb soldiers to form mine clearance teams through an appropriate agency. Eventually it is expected that these local clearance teams will work in conjunction with a Croatian demining organization.

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Former Yugoslavia since 1991

42. UNTAES is providing support to activities of the International Tribunal for the Former Yugoslavia in the Region. The mass grave site at Ovcara remains undisturbed and under 24-hour protection by the UNTAES military component. Plans are being developed for the excavation of the grave site, with the initial preparatory work being undertaken by UNTAES engineer elements. UNTAES will also provide security and transport support during the excavation.

VI. OBSERVATIONS

43. In a period of less than six months, UNTAES has achieved significant progress in the implementation of its mandate and has contributed to the gradual normalization of relations between Croatia and the Federal Republic of Yugoslavia. The Transitional Administrator and his staff have been working to bring divided populations together through family reunions, village visits, church services and other activities. Families and individuals who had not seen or heard from each other in many years are finally in touch. These results are both satisfying and encouraging. After five years of war and tension, there are signs of a new spirit of cooperation between the parties.

44. The demilitarization of the Region has been completed with relative ease. The parties have displayed a willingness to abide by the Basic Agreement and to recognize the desire of the international community to help them to implement it. Heavy weapons have been either withdrawn or handed over to UNTAES for destruction. Quantities of small arms and ammunition have nevertheless been retained by people who are anxious about their future security. UNTAES will endeavour to build confidence by maintaining stability and security in the Region in the post-demilitarization period. However, the mandate of the military observers who serve with UNTAES in accordance with Security Council resolution 1043 (1996) of 31 January 1996 will expire on 30 July 1996. This post-demilitarization period is a critical time for UNTAES, with the Region

still tense and subject to the possibility of infiltration. The Force Commander feels strongly that a continued presence of United Nations military observers will enhance the ability of UNTAES to monitor the situation, to ensure that demilitarization is and remains complete, to monitor any infractions and to report on other developments relevant to the maintenance of peace and security in the Region. I concur with this view and recommend that the mandate of the military observers be extended to 15 January 1997.

45. In the next phase many challenges await UNTAES. The return of displaced persons is among the most daunting. Several thousand displaced Croats are waiting to go back to their homes in the Region. At the same time, large numbers of Serb displaced persons reside there and are desirous of returning to their place of origin in other parts of Croatia. The work of enabling people to go back to their homes is not going to be easy, not least because of the danger posed by mines and unexploded ordnance, the destruction of housing and infrastructure and the urgent need to rebuild or repair houses before the onset of winter.

46. Another challenge will be to define mechanisms and assurances, acceptable to all and underwritten by the international community, that will protect the cultural and social identities and the heritage of national minorities in a multiethnic society.

47. The financial situation of the Region is precarious. Since the closure of the Djeletovci oilfield on 16 April 1996, the lack of revenue has confronted public services with critical shortages of money and other resources. It will be both extremely demoralizing and threatening to UNTAES if much needed services such as hospitals, public transport and schools have to stop functioning because of the inability to pay salaries and other operating costs.

48. Apart from this immediate need, considerable resources are required for the reconstruction of the Region and the removal of war debris. Demining is an urgent requirement and can help to provide employment for ex-combatants. I appeal to Member States to contribute generously so that UNTAES may increase such activities.

49. Meanwhile, I am happy to be able to report that UNTAES has to date succeeded in carrying out the tasks entrusted to it and that the parties to the Basic Agreement have so far endorsed its activities and given reason to hope that they will continue to cooperate with it in the coming period.

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REPORT OF THE SECRETARY-GENERAL PURSUANT TO SECURITY COUNCIL RESOLUTION 1043 (1996)

Addendum

1. By its resolution 50/242 of 7 June 1996, the General Assembly appropriated the amount of $140,484,350 gross ($136,087,550 net) for the maintenance of the United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) for the period from 1 July to 31 December 1996.

2. The cost of maintaining 100 military observers serving with the Transitional Administration for the 12-month period beginning 1 July 1996 was estimated at $3.7 million in my report on the financing of UNTAES of 1 April 1996 (A/50/909). Therefore, should the Council decide to maintain the 100 observers for a further six-month period 1/ ending 15 January 1997 as I have recommended, the cost for the extension period would be $1.9 million.

Notes

1/ In its resolution 1043 (1996) the Council authorized the deployment of 100 military observers for a six-month period beginning on 15 January 1996.

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